Crl. Rev. No. 901/01
(Old No. 1683 of 1995)
Hon'ble Irshad Hussain, J.

None appear for the revisionist. Heard Sri A. Rab learned A.G.A. and Perused the record.

This revision under section 397/401 Code of Criminal Procedure was preferred against the judgment and order dated 17.5.1995 passed by the then Munsif Magistrate Rishikesh, District Dehradun in Criminal case no.453/1994 whereby respondent nos. 2 to 5 were acquitted of the charges U/Ss 354, 323, 506, 511 I.P.C. The revision was not admitted when it was filed before the Allahabad High Court.

Perusal of the impugned judgment reveal that there was no reliable evidence to prove the charges leveled against the accused in that case. There were about a10 other tenants in the building but none of them was produced to support the prosecution allegation. It was also strange that the accused and the complainant residing in the same house would try to molest or cause hurt to the lady in the presence of her husband-complainant Rajendra Prasad. The judgment of acquittal is based on fair and proper appraisal of the evidence and therefore it can not be accepted that there was any miscarriage of justice by reason of acquittal of the accused in the case.

The revision does not deserve to be admitted and is therefore dismissed in limine. Consign.

(Irshad Hussain, J.)

Dated: 5-04-2004

ISB